

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

**RECEIVED**

SEP 23 1997

In the Matter of )

Advanced Television Systems )  
 and Their Impact upon the )  
 Existing Television Broadcast )  
 Service )

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

MM Docket No. 87-268

To: The Commission

**OPPOSITION TO SUPPLEMENT TO PETITION FOR RECONSIDERATION**

Paxson Communications Corporation ("PCC"), parent of the licensee of television station WVVI(TV), NTSC Channel 66, Manassas, Virginia, by its attorneys, and pursuant to 47 C.F.R. § 1.429(f), hereby opposes the Supplement to Petition for Reconsideration ("Supplement") of the *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*"), filed August 22, 1997, by the Central Virginia Educational Telecommunications Corporation, licensee of station WNVC(TV) ("WNVC"). WNVC proposes a pair of changes to the DTV Table of Allotments with respect to both its own station in Fairfax, Virginia, and PCC's WVVI(TV). PCC supports the Commission's efforts to implement digital television ("DTV") and bring this new television service to the American public as quickly as possible. Consistent with this, PCC believes that broadcasters can and should identify instances in the Commission's DTV Table of Allotments where improvements can be made. Such requests, however, must not result in new interference to other broadcasters — especially where a pair of reallocations, triggering the interests of an

0+11

otherwise uninvolved party, are requested. Accordingly, PCC opposes the specific proposal found in WNVC's supplement to reassign WVVI(TV)'s DTV channel.

WNVC was assigned DTV Channel 57 in the *Sixth R&O*, but it requests that the station's DTV channel be reassigned due to concerns that the allotment is outside of the Commission's "core spectrum." In the Supplement, WNVC proposes that the Commission instead reallocate DTV Channel 36 to the station. To accommodate this request, however, WNVC must also request that WVVI(TV) be reassigned a new DTV channel because the station has already received the Channel 36 DTV allotment. WNVC proposes that WVVI(TV) relocate to DTV Channel 43 to make room for its request. PCC does not oppose the efforts of WNVC to remedy these circumstances where it seeks an alternate available channel for itself that meets the Commission's standard of causing "no new interference." WNVC's proposal, however, does not meet this standard.

PCC's analysis of WNVC's proposal to relocate WVVI(TV) to DTV Channel 43 indicates that the move would create new interference to PCC's station. As shown in the supporting exhibit ("Attachment A"), WNVC's proposal would result in predicted new interference to a population of some 130,000. Such a significant number cannot be considered *de minimis* by any standard. While the majority of this new interference will be caused by NTSC broadcasts, due to the potential for an extended transition period as well as the likelihood that many broadcasters will revert to their NTSC channel after the transition, PCC believes the predicted interference must be given full accordance. Because of this interference, WNVC cannot meet the Commission's required standard for modifications to the DTV Table.

Moreover, WNVC's support for its proposed reassignment for WVVI(TV) is inadequate. WNVC never directly addresses in the Supplement the issue of whether its proposal would create "no new interference" — the key hurdle for any request for modification. WNVC offers no factual analysis or comparisons of affected population percentages or coverage areas percentages. Indeed, PCC has no meaningful way to evaluate WNVC's assertions of "virtually full replication" for WVVI(TV).<sup>1/</sup>

PCC believes that, while WNVC's showing would be insufficient for any request for DTV reallocation, it is especially deficient where PCC is being asked to relocate simply to make room for WNVC to take its place. Surely a more thorough showing is required for unfair requests such as that of WNVC where, if granted, PCC would be effectively subordinated. At the very least, WNVC should demonstrate why DTV Channel 43 is not available for itself and would somehow be inferior to the proposal to force WVVI(TV) to relocate to Channel 43.

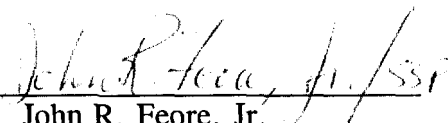
---

<sup>1/</sup> WNVC Supplement to Petition for Reconsideration, filed Aug. 22, 1997, at 3.

If WNVC desires to improve its DTV allotment, it should provide a well-supported request for a DTV channel that would result in no new interference to fellow broadcasters. This it has not done. WNVC's request does not meet the Commission's standards and its showing is flawed and insufficient. For the foregoing reasons, PCC requests that the Commission reject WNVC's request for the reassignment of Channel 43 as the DTV allotment for WVVI(TV) in Manassas, Virginia.

Respectfully submitted,

PAXSON COMMUNICATIONS CORPORATION

By:   
John R. Feore, Jr.  
Scott S. Patrick

Its Attorneys

Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036-6802  
202-776-2000

Dated: September 23, 1997

**ATTACHMENT A**

**Technical Exhibit**

**WVVI INTERFERENCE STUDY**

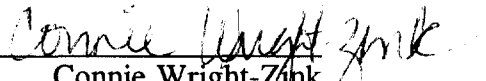
		<b>CURRENT</b>	<b>PROPOSED</b>
		<b>Allocation DTV Ch. 36</b>	<b>Allocation DTV Ch. 43</b>
<b>Interference Received:</b>			
<b>NTSC</b>	<b>Area</b>	60 sq. km.	1,140 sq. km.
	<b>Pop.</b>	21,000	217,000
	<b>H.H.</b>	7,000	77,000
<b>DTV</b>	<b>Area</b>	350 sq. km.	10 sq. km.
	<b>Pop.</b>	63,000	1,000
	<b>H.H.</b>	23,000	0
<b>Interference Caused:</b>			
	<b>Area</b>	480 sq. km.	3,720 sq. km.
	<b>Pop.</b>	34,000	1,397,000
	<b>H.H.</b>	12,000	525,000

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Opposition of Paxson Communications Corporation was sent by first-class mail, postage prepaid, this 23rd day of September, 1997, to each of the following:

Harry C. Martin, Esq.  
Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17th Street  
Eleventh Floor  
Rosslyn, Virginia 22209

*Counsel for Central Virginia Educational Telecommunications Corporation*

  
\_\_\_\_\_  
Connie Wright-Zink